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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,513

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Paul D. Franke

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/869,513	Applicant(s) FRANKE, PAUL D.	
	Examiner MOHAMMAD A. SIDDIQI	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/05/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-41 and 44-45 are presented for examination. Claims 42-43 have been cancelled.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2009 has been entered.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-41 and 44-45 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-168 of U.S. Patent No. 7,590, 688 (hereinafter referred as 688). Although the conflicting claims are not identical, they are not patentably distinct from each other. Please see the chart below:

U.S. Patent 7,590, 688	Application 09/869,513
1. A method for conducting, augmenting or any combination thereof at least	1. A method for conducting, augmenting or any combination thereof at least one convention, trade show,

<p>one convention on the Internet, by facilitating the exchange between at least one meeting planner client and at least one attendee client, the method comprising the steps of:</p> <p>a. receiving, from the at least one meeting planner client with a web browser computer, at a central website server for providing central website server system processing, a plurality of convention activity policies and convention content information for a plurality of conventions;</p> <p>b. loading, at the central website server by virtual convention venue website program instructions, at least a portion of the plurality of convention activity policies and the convention content information into at least one virtual convention venue database;</p> <p>c. processing at the central website server</p>	<p>display ad network or any combination thereof on the Internet, by facilitating the exchange between at least one meeting planner client, administrator, exhibitor, sponsor or any combination thereof and at least one attendee client, site visitor, user or any combination thereof, the method comprising the steps of:</p> <p>a. receiving, from the at least one meeting planner client, administrator, exhibitor, sponsor or any combination thereof with a web browser computer, and electronically storing in at least one convention venue database at a central website server for providing central website server system processing, at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof and convention, display ad or any combination thereof content information for the at least one convention, trade show, display ad</p>
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<p>by the virtual convention venue website program instructions using at least one of the plurality of convention activity policies to specify the processing flow for a differentiated convention website for the at least one convention from the plurality of conventions;</p> <p>d. after performing the processing of step c, receiving at the central website server from the at least one attendee client with a web browser computer a selection for convention content information of the at least one convention from the plurality of conventions;</p> <p>e. processing the selection at the central website server by the virtual convention venue website program instructions using the differentiated convention website for the at least one convention from the plurality of conventions; and</p> <p>f. releasing from the central website</p>	<p>network or any combination thereof;</p> <p>b. processing at the central website server by virtual convention website program instructions using the at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof to differentiate the navigational flow and use of the convention, display ad or any combination thereof content information among an array of convention, display ad or any combination thereof activity;</p> <p>c. after performing the processing of step b, receiving, from the at least one attendee client, site visitor, user or any combination thereof with a web browser computer at the central website server, a selection for convention, display ad or any combination thereof content information of the at least one convention, trade show, display ad network or any combination thereof; and</p> <p>d. releasing from the central website</p>
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server to the at least one attendee client the selected convention content information.	server to the at least one attendee client, site visitor, user or any combination thereof the selected convention, display ad or any combination thereof content information.
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As per Claim 1, and described in the comparison table above, the Claim 1 in 688 teaches all the limitation of Claim 1 except an obvious variation of preamble “at least trade show, display ad network or any combination thereof on the Internet, by facilitating the exchange between at least one meeting planner client, administrator, exhibitor, sponsor or any combination thereof and at least one attendee client, site visitor, user or any combination thereof, the method” and “planner client, administrator, exhibitor, sponsor or any combination thereof with a web browser computer, and **electronically storing in at least one convention venue database** [loading, at the central website server by virtual convention venue website] at a central website server for providing central website server system processing, at least one convention activity policy, display ad placement order, display ad keyword or any combination thereof and convention, display ad or any combination thereof content information for the at least one convention, trade show, display ad network or any combination thereof;”

It would be obvious for one with ordinary skill in the art at the time of the invention to **electronically store convention in the venue database**. Doing so would

provide advantages such as having a default templates for conventions in the database and efficient use of bandwidth.

Since claim 1 is an obvious variant of claim 1 of 688, it is not patentably distinct from claim 1 of 688.

As per Claims 39, 40 and 45, and also applied to Claim 1, the claims 40 and 41 in 688 teaches all the limitation of Claims 39, 40 and 45 except an obvious variations as described above for the claim 1.

Claims 39, 40, and 45 are an obvious variant of claims 1, 40 and 41 of 688; it is not patentably distinct from claim 1, 40 and 41 of 688.

As per Claims 2-38, and also applied to Claim 1, the Claims 2 -39 in 688 teaches all the limitation of Claims 2-38 except an obvious variation of **meeting planner client such as** administrator, exhibitor, sponsor or any combination thereof, and the convention, trade show, display ad network or any combination thereof.

It would be obvious for one with ordinary skill in the art at the time of the invention to incorporate other types of planner clients **such as** administrator, exhibitor, sponsor or any combination and also content of the website may include convention, trade show, display ad network or any combination thereof. Doing so would provide an infrastructure to hold multiple type of virtual business shows and meetings.

Since claims **2-38** are an obvious variant of claims 2 -39 of 688, it is not patentably distinct from claims 2 and 3 of 688.

Response to Arguments

5. Applicant's arguments filed on 08/05/2009 with respect to the rejection(s) of claims under 1-41 have been fully considered and are persuasive. Therefore, the rejection under 103 (a), Salesky et al. in view of Conklin et al., has been withdrawn. However, upon further consideration, Obvious type Double patenting rejection is made and maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2454

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454